IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7970 of 1989

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ROYAL CUSHION VINYL PRODUCTS PVT LTD

Versus

STATE OF GUJARAT

Appearance:

MR BS PATEL for Petitioner

Ms Manisha Lavkumar, AGP for Respondent No. 1, 2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 22/09/2000

ORAL JUDGEMENT

In this petition, the petitioner which is an industry has challenged the order, Annexure `A' passed by respondent No.1 , Additional Chief Secretary of the Revenue

Department,setting aside the permission for non-agricultural use of the land granted in favour of the petitioner by respondent No.2- Taluka Development Officer, Taluka Halol, district-Panchmahals.

After hearing learned counsel for the parties, I do not find any ground to sustain the impugned order of respondent No.1 passed after long period of grant of non-agricultural permission. It is not in dispute that after grant of NA permission, the petitioner has set up the industry by spending huge amount on the land.

Learned AGP submits that while granting NA permission, the market value was not kept in view and, therefore, undue benefit was conferred on the petitioner.

Learned counsel appearing for the petitioner states that the petitioner would be willing to clear all arrears of premium payable at 1981 prevailing rate and in fact, a sum of Rs. 20,156/- has already been paid.

In view of the aforesaid stand taken on behalf of the petitioner, I partly allow the petition and quash the order dated 4.10.1989, Annexure `A' passed by the Additional Chief Secretary, Revenue Department, but remand the case to the Collector, Panchamahals as suggested by the learned AGP, to re-determine the premium payable by the petitioner for NA permission of the land at the rate prevailing in 1981. The petitioner shall pay all arrears of premium as worked out by the Collector , within three months from raising of the demand. Rule is made absolute with no order as to costs.

(D. M. Dharmadhikari. C.J.)

parekh